

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

DAVID CHRISTENSON and
ANNIKEN PROSSER

Plaintiffs,

v.

ALEX AZAR II, in his official capacity as the
Secretary of the Department of Health and
Human Services.

Defendant.

Case No. 20-cv-194

DECLARATION OF JAMES PISTORINO
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

Pursuant to 28 U.S.C. § 1746, I, James C. Pistorino, hereby declare as follows:

1. I am an attorney with the law firm of Parrish Law Office, counsel to the plaintiff in the above-captioned case. I am over eighteen years of age and not a party to this case.

2. Attached, as Exhibit A, are true and correct copies of excerpts from the Request for an ALJ Hearing submitted February 5, 2019 and the transmittal of a pre-hearing brief dated March 5, 2019.

3. Attached, as Exhibit B, is a true and correct copy of a decision dated April 2, 2019 by ALJ Thomas Tyler in ALJ Appeal No. 1-8285652321.

4. Attached, as Exhibit C, are true and correct copies of excerpts from the Request for an ALJ Hearing submitted March 26, 2019 and the transmittal of a pre-hearing brief dated April 10, 2019.

5. Attached, as Exhibit D, is a true and correct copy of a decision dated June 6, 2019 by ALJ Richard Zettel in ALJ Appeal Nos. 1-8416270832 and 1-8416229632.

6. Attached, as Exhibit E, are true and correct copies of excerpts from the Request for an ALJ Hearing submitted June 14, 2019 and transmittal of a pre-hearing brief dated July 5, 2019.

7. Attached, as Exhibit F, is a true and correct copy of a decision dated September 12, 2019 by ALJ Scott Watson in ALJ Appeal No. 1-8630709341.

8. Attached, as Exhibit G, are true and correct copies of excerpts from a Medicare Appeals Council appeal in ALJ Appeal No. 1-8630709341 dated September 18, 2019 as well a Request for Escalation dated January 3, 2020.

9. Attached, as Exhibit H, are true and correct copies of excerpts from a Request for an ALJ Hearing dated March 27, 2019 and a transmittal of a pre-hearing brief dated April 10, 2019.

10. Attached, as Exhibit I, is a true and correct copy of a decision dated May 16, 2019 by ALJ Kimberley Woodyard in ALJ Appeal No. 1-8416188648.

11. Attached, as Exhibit J, are true and correct copies of excerpts of a Request for an ALJ Hearing dated March 19, 2019 and transmittal of a pre-hearing brief dated April 10, 2019.

12. Attached, as Exhibit K, is a true and correct copy of a decision dated June 27, 2019 by ALJ Lissette Figueroa in ALJ Appeal No. 1-8380637906.

13. Attached, as Exhibit L, are true and correct copies excerpts of a Request for an ALJ Hearing dated January 27, 2020 and a transmittal of a pre-hearing brief dated February 20, 2020.

14. Attached, as Exhibit M, is a true and correct copy of a decision dated March 18, 2020 by ALJ Adalberto Sardinas in ALJ Appeal No. 3-9079666355.

15. Attached, as Exhibit N, are true and correct copies of excerpts of a Request for an ALJ Hearing dated March 21, 2019 and transmittal of a pre-hearing brief dated April 20, 2019.

16. Attached, as Exhibit O, is a true and correct copy of a decision dated June 19, 2019 by ALJ J. Grow in ALJ Appeal No. 1-8390277469.

17. Attached, as Exhibit P, are true and correct copies of excerpts from a Medicare Appeals Council appeal in ALJ Appeal No. 1-8390277469 dated July 12, 2019 as well a Request for Escalation dated January 2, 2020

I declare under penalty of perjury that the foregoing is true and correct.

Executed: April 11, 2020



James C. Pistorino